



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 3873-99

15 October 1999



Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 12 July 1978 at the age of 18. Your record reflects that on 16 May 1979 you received nonjudicial punishment (NJP) for disrespect. The punishment imposed was forfeitures totalling \$100 and extra duty for 14 days. On 17 July 1979 you received NJP for four incidents of disobedience. The punishment imposed was reduction to paygrade E-1, forfeitures totalling \$200, and correctional custody for 30 days, a portion of which was suspended for 30 days.

Your record also reflects that on 18 January 1980 you received NJP for absence from your appointed place of duty. The punishment imposed was forfeitures totalling \$306 and extra duty and restriction for 14 days. The extra duty was suspended for three months.

On 4 February 1981 you received NJP for disobedience and resisting arrest. The punishment imposed was correctional custody for 30 days, forfeitures totalling \$612, and restriction and extra duty for 30 days. Shortly thereafter, on 3 April 1981,

you received NJP for absence from your appointed place of duty. The punishment imposed was forfeitures totaling \$200, reduction to paygrade E-2, and correctional custody for 30 days. On 2 September 1981 you received your sixth NJP for failure to obey a lawful order. The punishment imposed was forfeitures totalling \$130 and extra duty for 14 days. On 14 October 1981 you were counselled regarding your frequent involvement of a discreditable nature with military and civil authorities.

Subsequently, on 16 November 1981, you were issued a general discharge by reason of unsuitability due to apathy and defective attitude.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded to honorable. The Board also considered your contention that you had a medical condition which was the cause of your discharge. However, the Board concluded these factors were not sufficient to warrant a change in the characterization of your discharge given the serious nature of your frequent misconduct, which resulted in six NJPs. The Board noted that there is no evidence in your record, and you submitted none, to support your contention of any medical conditions. Given all the circumstances of your case, the Board concluded your discharge proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director